

AMENDED IN ASSEMBLY MAY 31, 2001

AMENDED IN ASSEMBLY APRIL 24, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1119

Introduced by Assembly Member Hertzberg

February 23, 2001

An act to add Sections 11403.1 and 16011 to the Welfare and Institutions Code, relating to foster care.

LEGISLATIVE COUNSEL'S DIGEST

AB 1119, as amended, Hertzberg. Foster care.

(1) Under existing law, a child who is in foster care and receiving Aid to Families with Dependent Children-Foster Care (AFDC-FC) payments and who is attending an educational program or vocational or technical training on a full-time basis prior to his or her 18th birthday, may continue to receive aid after his or her 18th birthday, so long as the child continues to reside in foster care placement, remains otherwise eligible for AFDC-FC payments, and continues to attend the educational program or vocational or technical training, and the child may reasonably be expected to complete the educational or training program before his or her 19th birthday. Existing law establishes the Kinship Guardianship Assistance Payment program to provide financial assistance for children who, after being adjudged dependent children of the juvenile court, are placed in legal guardianship with a relative.

This bill would authorize a child who is in foster care and receiving AFDC-FC payments or aid under the Kinship Guardianship Assistance

Payment program on his or her 18th birthday, and who thereafter, emancipates, be eligible to receive aid following his or her 18th birthday and emancipation, while participating in an educational or training program or any activity consistent with their transitional independent living plan up to the age of 23 years.

This bill would also require that aid be provided pursuant to a transitional independent living plan negotiated between the emancipated foster youth and his or her social worker or probation officer, and that the basic rate of aid provided be equivalent to the basic rate provided to a foster family home.

The bill would require the State Department of Social Services to apply for any necessary federal waiver to implement, and seek any federal funds available for, these provisions, but would not require the receipt of federal funds in order to implement the bill.

This bill would make its provisions contingent upon appropriations in the annual Budget Act or other statute.

Because this bill would create new duties for county agencies, it would impose a state-mandated local program.

(2) Existing law continuously appropriates moneys from the General Fund to defray a portion of county costs under specified public assistance programs.

This bill would instead provide that the continuous appropriation would not be made for the purpose of funding certain provisions of the bill.

(3) Existing law requires that when a child is placed in foster care, the case plan for the child shall include a summary of the health and education information or records, including mental health information or records, of the child.

This bill would require the department to establish an Internet-based health and education passport system to collect and maintain health and education records for each child in a foster care placement, and would further require the department to develop appropriate guidelines to ensure the confidentiality of the information collected. This bill would also require the system to be implemented as a pilot project in 2 counties, one of which is required to be the County of Los Angeles.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide



and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares that, while
2 Section 16010 of the Welfare and Institutions Code mandates,
3 among other things, collection of health and education
4 information relating to each child in a foster care placement, the
5 statewide automated system currently contains health records for
6 fewer than 25 percent of the children in placement, and fewer still
7 regarding educational status. Because the lack of information
8 compiled, and the resulting obstacles often prevent a healthy start
9 in life, and thwart completion of a child's education, it is the intent
10 of the Legislature in enacting Section 3 of this act to establish an
11 Internet-based mechanism to more effectively comply with the
12 requirements of Section 16010 of the Welfare and Institutions
13 Code.

14 SEC. 2. Section 11403.1 is added to the Welfare and
15 Institutions Code, to read:

16 11403.1. (a) (1) The Legislature finds and declares that
17 former foster youth are a vulnerable population at risk of
18 homelessness, unemployment, welfare dependency,
19 incarceration, and other adverse outcomes if they exit the foster
20 care system unprepared to become self-sufficient. Unlike many
21 young individuals turning the age of 18 years who can depend on
22 family for ongoing support while they complete postsecondary
23 education or develop career opportunities, emancipating foster
24 youth have their primary source of support, AFDC-Foster Care
25 payments, terminated at age 18 years and are then dependent on
26 their own resources for self-support. Some foster youth are not
27 able to complete high school or other education or training
28 programs due to ongoing trauma from the parental abuse or neglect



1 and gaps in their educational attainment stemming from the
2 original removal and subsequent changes in placement.

3 (2) Completion of an educational or training program is an
4 essential, minimum skill needed by foster youth in order to be
5 competitive in today's economy.

6 (3) It is therefore the intent of the Legislature that emancipated
7 foster youth shall be eligible to receive support while participating
8 in an educational or training program, or any activity consistent
9 with their transitional independent living plan up to the age of 23
10 years.

11 (b) A child who is in foster care and receiving aid pursuant to
12 this chapter or aid paid under the Kinship Guardianship Assistance
13 Payment Program pursuant to Section 11360, on his or her 18th
14 birthday, and who emancipates thereafter, shall be eligible to
15 receive aid following his or her 18th birthday and emancipation
16 while participating in an educational or training program, or any
17 activity consistent with his or her transitional independent living
18 plan up to the age of 23 years.

19 (c) Aid under this section shall be provided pursuant to a
20 transitional independent living plan negotiated between the
21 emancipated foster youth and his or her social worker or probation
22 officer, which shall be reviewed annually.

23 (d) (1) In determining the amount of aid under this section, the
24 rate provided to the youth shall be equivalent to the basic rate
25 provided to a foster family home provider pursuant to Section
26 11461.

27 (2) If the emancipated youth remains in placement, payment
28 shall be made to the care provider, at a rate equivalent to the basic
29 rate provided to a foster family home provider pursuant to Section
30 11461.

31 (e) Receipt of aid under this section shall not be considered
32 income pursuant to Section 11008 for purposes of eligibility for
33 other programs.

34 (f) Each county welfare department shall notify all foster youth
35 in that county, ages 16 to 19 years, inclusive, of the existence of
36 the program prescribed by this section.

37 (g) The department shall seek any federal funds available for
38 implementation of this section, including, but not limited to, funds
39 available under Title IV of the Social Security Act (42 U.S.C. Sec.
40 601 and following). Implementation of this section shall not,

1 however, be contingent upon receipt of any federal funding. The
2 department shall seek any waiver from the Secretary of the United
3 States Department of Health and Human Services that is necessary
4 to implement this section.

5 *(h) Implementation of this section shall be contingent upon an*
6 *appropriation in the annual Budget Act or other statute.*

7 SEC. 3. Section 16011 is added to the Welfare and Institutions
8 Code, to read:

9 16011. (a) The department shall establish an Internet-based
10 health and education passport system to collect and maintain
11 health and education records for each child in a foster care
12 placement, as required by Section 16010. The system shall be
13 created as a pilot project based in no more than two counties. One
14 of the two counties shall be the County of Los Angeles.

15 (b) Each health, mental health, and educational provider
16 providing services to a foster child shall utilize and update the
17 Internet-based system.

18 (c) The department shall develop appropriate guidelines to
19 ensure that the confidentiality of the information collected
20 pursuant to this section is maintained.

21 *(d) Implementation of this section shall be contingent upon an*
22 *appropriation in the annual Budget Act or other statute.*

23 SEC. 4. No appropriation pursuant to Section 15200 of the
24 Welfare and Institutions Code shall be made for the purpose of
25 funding the provisions of Section 2 of this act.

26 SEC. 5. Notwithstanding Section 17610 of the Government
27 Code, if the Commission on State Mandates determines that this
28 act contains costs mandated by the state, reimbursement to local
29 agencies and school districts for those costs shall be made pursuant
30 to Part 7 (commencing with Section 17500) of Division 4 of Title
31 2 of the Government Code. If the statewide cost of the claim for
32 reimbursement does not exceed one million dollars (\$1,000,000),
33 reimbursement shall be made from the State Mandates Claims
34 Fund.